

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)	
IP-Enabled Services)	
)	WC Docket No. 05-196
)	
E911 Requirements for IP-Enable Service Providers)	
)	

**REPLY OF SOUTH CAROLINA STATE 911 TO COMMENTS OF THE PUBLIC
UTILITY COMMISSION OF TEXAS AND THE MICHIGAN EMERGENCY
TELEPHONE SERVICE COMMITTEE**

The South Carolina (SC) Budget and Control Board Office of Research and Statistics (ORS or SC State 911) is the state government entity with responsibility and authority under the SC Public Safety Communications Center; i.e. 911, Act, Section 23-47-10, et seq., as amended. This includes approving local government wireline 911 surcharge plans (State 911 Coordinator), and administering the state wireless 911 surcharge (State CMRS 911 Project Manager). The SC 911 Coordinator signatories represent SC 911 Coordinators and other PSAP employees, as such, by their tacit consensus and as past and future PSAP representatives on the SC 911 Advisory Committees. Collectively, the signatories represent South Carolina 911.

As participants in, and beneficiaries of, the Commission's 911 proceedings, the undersigned continue to be confident in and to defer to its balance, expertise, proceedings and decisions. As in the Commission wireless E9-1-1 proceedings, its IP-Enabled Services proceedings (WC 04-36) and analysis led to the necessary

rulings in its First E911 Requirements for IP-Enabled Service Providers Report and Order (WC 04-36, 05-196) that telephony providers, including Internet Protocol (IP) enabled, must connect their subscribers' 911 calls to the 911 Networks with the requisite, technologically possible, automatic number and location data that are essential to the public safety aspects of telephony communication in these United State. Those proceedings and orders also reflect the Commission's receptiveness to the perspectives on those complex, extraordinary questions derived from SC State 911 experience with wireline and wireless providers, state and local government, fostering the necessary public/private partnership, network, cooperation, consideration and trust in a state, such as South Carolina, with "light touch" 911 regulation.

The Commission's First IP-Enabled service 911 Report provides most of the background, bases, and premises for the analysis and synthesis summarized in the following replies to the Comments of the states of the Public Utility Commission of Texas (PUC) and The Michigan Emergency Telephone Service Committee (ETSC).

The Michigan ETSC suggests that the FCC consider a centralized mandatory registration system for IP-Enabled Service providers. The ETSC comments recommend such a system contain the provider's 24/7 network operations center phone number and administrative contact information, along with Internet-Enabled Services connectivity and database information. SC State 911 agrees, and requests additional Commission assistance in obtaining necessary provider information. IP-Enabled Service providers, along with wireline and wireless providers, are already using a national registration system specifically for E9-1-1. This NENA company-ID program already includes 24/7 numbers and administrative contact information for IP-Enabled Service, wireline, and wireless providers. NENA, the FCC and the providers could, and probably would, modify that existing program to serve their information reporting needs and those of state and local government 911, to include

expanding connectivity and database information for IP-Enabled Service providers.

The Texas PUC comments that it thoroughly regulates E9-1-1 and the Commission should leave further regulation of IP-Enabled service E9-1-1 in Texas to the State of Texas. SC State 911 argues below that Texas' request may suit Texas, but would not be an adequate approach for many of the remaining, more "light touch", states. SC State 911 also replies these other states' Comments do not go far enough in responding to some of the Commission requests for states' comment in this WC 05-196 Notice of Public Rule Making (NPRM).

Paragraph 61 of the Order and NPRM requests comment on "what role states [and local governments] can and should play to help implement the E9-1-1 rules [the Commission] adopts today..... Should state and local governments play a role similar to the roles they play in implementing the Commission's wireless 911/E9-1-1 rules? How can the Commission and the states work together to ensure the public's safety?" The primary state role in implementing any aspect of 911 is to cooperate with the 911 Partners, especially the local 911 centers and the Commission, in the expeditious implementation of E9-1-1. Our models for doing so include wireline 911 implementation, and the ongoing wireless implementation of selective routing, ANI and ALI. However, the federal, state and local governments' roles necessarily are different for IP-Enabled services than for wire and wireless. Perhaps the most salient reason is that the State has jurisdiction over all wireline providers, some kind of jurisdiction over wireless providers and none over most IP-Enabled service providers. Consequently it is more essential, even necessary, that the Commission promulgate any requirements and regulations necessary to the implementation of IP-Enabled service E9-1-1, including gathering any information necessary to enforcing the legal requirements it imposes. From many of the IP-Enabled service providers, only the Commission can obtain the subscriber location, selective router connection and other implementation

information necessary for determining compliance with its E9-1-1 orders. Thus the state's role is related to Paragraph 60.'s query concerning additional Commission reporting requirements of IP service providers.

As the current national IP-Enabled service 911 situation appears and South Carolina law provides, the more specific roles its local and state governments could play to help implement the Commission's IP-Enabled service E9-1-1 rules (Par. 61.) include:

1. Continuing to fund and improve the local government 911 centers.
2. PSAPs cooperating with the Local Exchange Carrier (LEC) Selective Router, database, and IP-Enabled service providers in connecting IP-Enabled service users to the 911 Network and the PSAPs, including testing.
3. PSAP and state assisting in implementing the Commission's IP-Enabled service 911 rules by verifying IP-Enabled service providers' Commission compliance letter information.
4. State development of an information and form package for the State and/or SC NENA web pages, and consideration of Public Service Announcements s of one kind or another. We expect to lean heavily on NENA in this matter, as we have in the past.
5. State ascertaining and contacting IP-Enabled service providers, with Commission assistance.
6. State facilitation of meetings between IP-Enabled service providers and PSAPs in jurisdictions they will serve.
7. State participation in Commission, NENA and other partner development and implementation of protocols, policy and procedure, etc. for IP-Enabled service providers' provision of E9-1-1.
8. State offering good offices upon request if there are problems between IP-Enabled service providers and database providers or Local Exchange Carriers providing 911 selective router services regarding IP-Enabled service access to the state's selective routers.

9. State facilitating conference(s) for PSAPs, the selective Local Exchange Carriers and the IP-Enabled service providers.
10. State development of new draft amendments to the South Carolina Public Safety Communications Center (911) Act, SC Code Section 23-47-10, et seq., re IP-Enabled service E9-1-1 users' fee, or other, methods for funding of 911 Centers.

Additional ways for the states and local governments to assist in the implementation and enforcement of the Commission's IP-Enabled Service E911 rules may require the Commission obtaining the information from the IP-Enabled service providers necessary to any enforcement support from the state and local government, which is also SC State 911's response to Paragraph 56 (Additional Commission Steps toward implementing IP-enabled E9-1-1), as well as 60 (Additional Reporting Requirements). Thus SC State 911 requests the Commission compliance letter include the information about the IP-Enabled service providers' operations, including 911, in the Requests of Commission # 1. below.

The Commission requiring such information is also relevant to Paragraph 61's query, "Should the Commission take any action to facilitate the states' ability to collect 911 fees from interconnected IP-Enabled service providers, either directly or indirectly?" The Order's express rulings that state and local governments have jurisdiction to assess and collect IP-Enabled service subscribers surcharge contributions to government 911 Center operations removes obstacles to proper connection of these new entrants to the existing 911 Network and state and local government 911 services. Traditionally the state and local government have been responsible for funding 911 Centers entirely. Similarly, as the Texas PUC comments, it and other strong regulation states may now or soon regulate the new IP-Enabled service 911 entrants adequately to include obtaining their subscriber contributions to supporting the 911 Centers. However the novel, complex aspects of IP-Enabled service and its E9-1-1 implementation which

distinguish it from wireline or wireless telephony and 911 suggest the Commission may need to play roles not only similar to, but greater than, it did in wireline and wireless 911 implementation.

Jurisdictional issues are prevalent in internet enabled telephony 911 implementation. As is usual whenever jurisdiction is an issue, it is a threshold, dominant, must have, determining factor. Potentially insurmountable problems in collecting surcharges arising from the state's lack of personal jurisdiction over many IP-Enabled service providers surfaced in our September '04 drafting of possible amendments to cover all South Carolina telephony numbers connecting to South Carolina 911 Centers (Public Safety Answering Points or PSAPs). The difficult and even premature questions remaining include whether these public safety necessity, national, 911 connections to government 911 services will require a Commission, a national, aspect to the state and local governments 911 Center funding solution(s). The Commission Order recognizes that the entities which do have jurisdiction over all domesticated IP-Enabled service providers are Congress and the Commission, and the resulting federal authority, and possible responsibility to require 911 Center funding contributions from these IP-Enabled service providers of telephony using our North American Numbering Plan phone number and connections with our PSTN, and thus the 911 (private) Network, and finally, the 911 Centers/PSAPs; i.e. national telecommunications networks for American public safety. However there is insufficient information, and it is premature, to determine whether only federal authorities can require fair IP-Enabled service contributions to 911 centers analogous to those made by wire and wireless subscribers, or whether, and in what way(s), the federal government should enter the field of IP-Enabled service contribution to 911 center funding and estimation of fair 911 contributions.

First there is little to no information about how much the providers and their subscribers will have to pay for this E9-1-1 connection to the Private 911 Network selective routers. Some subscribers are already paying "911 charges",

such as \$1.50 a month, to their providers for the cost of this connection. Some of that \$1.50 may be underwriting some of the major IP-Enabled service providers' voluntary payment of wireline E9-1-1 surcharges. Although the providers party to that agreement maintain their compliance, there is little concrete evidence available to support those assertions. Unless the Commission requires the relevant IP-Enabled service providers' subscriber, implementation and voluntary contribution figures, it appears impossible to assess financial impact and other bases for equitable taxing decisions. Furthermore there are presently nothing more than estimates of the financial impact of IP-Enabled services subscribers on the 911 centers.

In most jurisdictions, IP-Enabled service surcharge legislative activity would also generate IP-Enabled service provider avoidance, suspicion and antagonism concerning government as opposed to the contact, trust and cooperation needed to get their subscribers connected to the 911 Network, with ANI and "registered locations" ALI as soon as possible. Furthermore, 911 partners need to concentrate additional intellectual and financial resources on developing the partnership and solutions re the development, choice and implementation of the new true mobile IP-Enabled service ALI.

Unusually prominent in 911 implementation is the democratic/partnership methodology of bringing representatives of all interested kinds of parties to the table and seeking a somewhat consensual package which addresses the legitimate concerns of the kinds of parties while developing a public/private partnership. This is extraordinarily important in 911 because it requires major, good faith efforts, expenditures and cooperation from many industries and levels of government. It is also unusually feasible, because of 911's unequalled status, its humane, public safety efficacy, and lack of extraneous influences. However, there has been little communication between the existing 911 partners and the new internet enabled telephony entrants at the state level so far, and developing that communication should focus on working together to connect IP-Enabled

service subscribers correctly and speedily, not arguing about surcharge legislation before the relevant information is available. "Sufficient unto the day is the evil (travail, dispute, difficulty) thereof." Consequently E-911 implementation considerations discourage attempting IP-Enabled service subscribers surcharge legislation.

Particularly in those state legislatures such as South Carolina's with strong "no new taxes" commitments, trying new surcharge legislation without the information requisite to determining fairness, need and other good government factors would almost certainly fail. Most of these considerations would apply to federal determination of whether to regulate IP-Enabled services contribution to funding 911 Centers at this time, as well. Consequently, the optimal Commission contribution to funding 911 Centers while implementing IP-Enabled service E9-1-1 would be to obtain the requisite information and delay deciding upon further action regarding IP-Enabled service contribution to 911 centers.

Regarding further Commission IP-Enabled service E9-1-1 action (Pars. 56. and 60.), SC State 911 requests that:

1. The Commission implement the National Internet Protocol Enabled Telephony Provider Registry requested by the Michigan ETSC's Comment, such as NENA and the IP-Enabled service providers are developing.
2. The Commission's IP-Enabled service provider "Compliance Letter" collect substantial, relevant information to foster compliance with the Commission's new rules implementing IP-Enabled service E9-1-1, and assist the state and local governments in their contribution to that implementation, including determining a fair, uniform, feasible methodology, authority and system for the IP-Enabled service subscribers to contribute their fair share of 911 Center funding. Such information could include, as of the end of the month preceding the compliance letter, the states and their counties the provider serves, the names and phone numbers of the contacts for the provider and for the PSAPs of

each county it serves, the date each county was first served, the date each county was contacted, the number of subscribers in that county, the total amount voluntarily paid to each county, and the amount paid to each county in the preceding month, the identity of the LEC or database contractor for that county, and the date of the relevant contract(s).

3. The Commission require IP-Enabled service providers with any subscribers in a jurisdiction to contact the local government PSAP (911 Coordinator in SC) and the State 911 contact designated by the Governor.
4. The Commission continue to work with organizations such as NENA, state governments and IP-Enabled service representatives on standards, guidelines and rules implementing fixed base or “registered” IP-Enabled service in the next few months.
5. Commission, NENA and other partners’ rapid, substantial completion of their investigation of true mobile IP-Enabled service Enhanced 911; i.e. selective routing, Automatic Number Identification (ANI) and Automatic Location Identification (ALI), without user assistance and issue standards, guidelines and rules implementing “true mobile IP-Enabled service Enhanced 9-1-1 soon thereafter.
6. The Commission delay deciding on further assistance regarding IP-Enabled service users’ contributions to state and local government 911 Center; i.e. Public Safety Answering Point (PSAP) funding, while the Commission and states determine how the Internet enabled telephony providers are implementing their pieces of the network, what that cost them and their subscribers, and what they are contributing to 911 Center financing.
7. Whereas we support the further Commission action suggested regarding the remaining questions raised by the NPRM, our responses are based almost entirely on principle rather than technical knowledge or understanding and we defer with confidence, to the Commission, its Intergovernmental Advisory Committee and NENA concerning their resolution.

Respectfully submitted,

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September 7, 2005

CERTIFICATE OF SERVICE

I do hereby certify that I have this 6th day of September 2005 served
the parties of record to this action with a copy of the foregoing **REPLY OF
SOUTH CAROLINA STATE 911 TO COMMENTS OF THE PUBLIC
UTILITY COMMISSION OF TEXAS AND THE MICHIGAN EMERGENCY**

SC State 911 Reply

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WC 05-196

9/9/05

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